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OFFICE OF PETITIONS

Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, Illinois 60610

In re Application of
Sato et al.
Filed March 8, 2001
Application No. 09802,314
Attorney Docket No. 9281/3900

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: DECISION GRANTING LETTER
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This decision is in response to Applicants' 'REQUEST FOR REVIEW OF THE PATENT TERM ADJUSTMENT' filed on May 9, 2005 requesting that the USPTO review the PTA determination at the time of the mailing of the notice of allowance.

Applicant's letter concerning PTA is **GRANTED**. The Office will adjust the PTA calculation at the time of the mailing of the notice of allowance to reflect this determination of PTA. A copy of the adjusted PTA calculation is provided with this determination. The correct amount of PTA at the time of the mailing of the decision is **320** days.

Applicant asserts that the USPTO may have granted too much PTA at the time of the notice of allowance. Applicant requests review of the PTA determination but did not provide any assert any specific reason for the discrepancy.

A review of the record reflects that applicant is correct. The Office failed to reduce applicants' PTA for two events. First, applicants filed a response to the notice to file missing parts on August 16, 2001.¹ This delay amounted to 34 days. In addition, the reply submitted was noncompliant and accordingly, applicant did not file the drawings until April 15, 2002, a 242-day delay pursuant to 37 CFR 1.704(c)(7).² Accordingly, the 66-day reduction that the Office assessed overlaps with the reduction for the two periods enumerated supra and therefore the 66-day reduction is removed. The Office properly calculated the 630-day reduction under 37 CFR 1.702(a)(1). In addition, the Office properly calculated the thirty-four day reduction under 37 CFR 1.704(b) for the reply to the final rejection. Accordingly, the correct amount of PTA is three hundred and twenty (630-242-34-34=320) days at the time of the mailing of the notice of allowance.

¹Applicant did not reply to the notice until 8/16/2001, a delay of 34 days beyond three months. It is noted that the notice to file missing parts provides a two-month reply period. However, applicants are provide three-months to reply to this notice regardless of the shortened statutory period set here.

²The reduction began the day after the initial response on 8/17/2001 and ended on the day the response was completed, April 15, 2002.

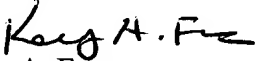
The USPTO acknowledges that any delays pursuant to 37 CFR 1.702(a)(4) and 1.702(b) will be added at the time of the issuance of the patent and will be reflected in the PTA determination provided to applicant in the issue notification letter.

After the mailing of this decision, the Office will forward this application to the Office of Publications for a prompt issuance of the patent.

If applicant believes that the Office erred in calculating the PTA for reasons other than provided in this decision, applicant may provide further clarification as to the inaccuracy of such calculation.

Because applicants were providing good faith and candor notice as to the amount of PTA, no fee is being assessed.

Any questions concerning this decision should be directed to Alesia Brown, Office of Patent Petitions at 571-272-3205.



Kery A. Fries
Senior Legal Advisor,
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted PAIR calculation

Day : Thursday
Date: 11/30/2006

Time: 12:32:40

PALM INTRANET

PTA Calculations for Application: 09/802314

Application Filing Date:	03/08/2001	PTO Delay (PTO):	630
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	100
Post-Issue Petitions:	0	Total PTA (days):	320
PTO Delay Adjustment:	-210		

File Contents History

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57	02/17/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
56	02/24/2005	DATE FORWARDED TO EXAMINER			
55	02/17/2005	AMENDMENT AFTER FINAL REJECTION			
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35	06/09/2004	DATE FORWARDED TO EXAMINER			
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32	03/15/2004	MAIL NON-FINAL REJECTION			
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29	09/17/2001	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			
28	02/24/2004	DATE FORWARDED TO EXAMINER			
27	02/20/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
26	02/12/2004	APPLICATION DISPATCHED FROM OIPE			
25	02/12/2004	APPLICATION IS NOW COMPLETE			
24	09/17/2001	PAYMENT OF ADDITIONAL FILING FEE/PREEEXAM		66	5
23	09/17/2001	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
22	01/28/2004	MAIL RESTRICTION REQUIREMENT	630		-1
21	01/23/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
20	12/23/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	07/24/2003	MISCELLANEOUS INCOMING LETTER			
18	11/26/2003	CASE DOCKETED TO EXAMINER IN GAU			
17	11/26/2003	DISPATCH FROM OIPE TO CORPS - U-P-R-D APPLICATION			
16	09/17/2001	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
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14	07/23/2003	PETITION DECISION - GRANTED			
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5	04/13/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	04/13/2001	CORRESPONDENCE ADDRESS CHANGE			
3	04/13/2001	CORRESPONDENCE ADDRESS CHANGE			
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EXPLANATION OF PTA CALCULATION

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